UNITED STATES PATENT AND TRADEMARK OFFICE

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10/646,261	08/21/2003	Frank Liebenow	P1947US00	9525

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-7,9-14,16-20,22-31 and 33-45* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-7,9-14,16-20,22-31 and 33-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/21/2003 and 06/14/2006*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-7, 9-14, 16-20, 22-31 and 33-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 45 objected to because of the following informalities:

There is a missing period at the end of claim 45.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims *1-3,5-7,9-14,16-20,22-31 and 33-45* are rejected under 35

U.S.C. 103(a) as being unpatentable over Tanaka (JP 2002-152570A1) and further

in view of Iwamura (US Pub No.: 20050018766A1).

(Unless specified all cited paragraphs are from the TECHNICAL FIELD

section in the translated copy from the PAJ website)

In regard to **Claim 1,** Tanaka discloses a method of configuring a digital camera capable of capturing an image (Paragraph 0001 under the detailed description section), the method comprising:

providing more than one format selection (profiles) to be used in capturing the digital image (Each of the Profiles represent a format selection, **Figures 4, 12 and Paragraphs 0009, 0033-0036, 0044-0046**), each format selection (profile selection) corresponding to a unique set of parameters for the capture of the digital image (Each of the profiles has it's own unique set of parameters associated with it in the capturing of the digital image, **Figures 4, 12 and Paragraphs 0009, 0033-0036, 0044-0046 and 0054-0058**);

assigning an icon (profile 1, 2, 3 etc.) to each of said more than one format selections (An icon (141 in Figure 12) can be assigned to more than one of the profiles, **Paragraphs 0054-0058 and Figures 4, 12**);

displaying each of said icons in a user interface of the digital camera (Figure 12, 10 is an LCD screen of the camera (Paragraph 0061));

receiving an input for selecting one format selection, said input being a selection of one of said icons (Looking at Figure 12, the format (profile) selections are shown. Selecting the profile selection would also select one of the icons appended to it); and

retrieving a set of parameters associated with the format selection in response to said receiving the input for selecting said one format selection (Selecting or loading a format/profile would retrieve a set of parameters associated with it. An example of parameters associated with a profile can be found in Figure 4);

wherein the set of parameters for each of said more than one format selection include settings for compression level, height resolution and width resolution (Paragraphs 0041-0042).

However, Tanaka does not disclose that one of the parameters may include color depth. Iwamura discloses a camera system that has color depth as one of its parameters, **Claim 7 of Iwamura***. It would have been obvious and well known to one of ordinary skill in the art at the time of the invention to incorporate color depth into the list of parameters disclosed by Tanaka, because it is useful in determining the degree to which the user wants color to appear in a captured image.*

Regarding **Claim 2***, Tanaka and Iwamura disclose a method in accordance with claim 1, further comprising:*

setting the operational parameters of the camera to the retrieved set of parameters (When the user loads the profile name that has a certain set of parameters that belong to it, these are now set as the operational parameters that are used to capture an image, **Paragraphs 0061-0063 of Tanaka***).*

In regard to **Claim 3***, Tanaka and Iwamura disclose a method in accordance with claim 2, further comprising:*

capturing the digital image using said set of parameters (When the user loads the profile name that has a certain set of parameters that belong to it, these are now set as

the operational parameters that are used to capture an image, **Paragraphs 0005 and 0061-0063 of Tanaka**).

With regard to **Claim 5**, Tanaka and Iwamura disclose a method in accordance with claim 1, wherein providing comprises providing at least two format selections (Each of the profiles listed in Figures 4 and 12 of Tanaka represent a different format selection), the set of parameters of a first format selection including a higher resolution setting than that of the set of parameters of a second format selection (Profile 5 has a higher resolution setting than Profile 8, **Figure 4 of Tanaka**).

Regarding **Claim 6**, Tanaka and Iwamura disclose a method in accordance with claim 1, wherein providing comprises providing at least two format selections (Each of the profiles listed in Figures 4 and 12 of Tanaka represent a different format selection), the set of parameters of a first format selection including a higher compression setting than that of the set of parameters of a second format selection (Although it is hard to tell from the Japanese image, it can be inferred from the specification of the translation to the Tanaka reference that a first format (profile) selection can have a higher compression setting than a second profile selection, **Paragraphs 0041-0042 of Tanaka**).

Regarding **Claim 7**, Tanaka and Iwamura disclose a method in accordance with claim 1, wherein at least one parameter of the set of parameters is selected from the

group consisting of total resolution, stereoscopic toggle, black/white – color toggle, and

black/white grayscale level. Tanaka discloses setting a parameter selected from a group

consisting of total resolution as shown in Figure 4 of Tanaka. However, Tanaka and

Iwamura do not explicitly teach or disclose that the group of parameters consists of total

resolution, stereoscopic toggle, black/white - color toggle, and black/white grayscale

level. Official notice is taken saying it would have been obvious and well known to one

of ordinary skill in the art at the time of the invention to incorporate any one of these

given parameters into the current invention, because setting of the mentioned

parameters helps the user to control exactly how the image should be captured to fit a

required need.

*Regarding **Claim 9**, Tanaka and Iwamura disclose a method in accordance with*

claim 1, further comprising:

assigning a unique name to each of the format selections (A unique name (142 in

*Figure 12 of Tanaka) is assigned to each format (profile) selection, **Figures 4 and 12;***

***Paragraphs 0054-0058 of Tanaka**).*

*In regard to **Claim 10**, Tanaka and Iwamura disclose a method in accordance*

*with claim 1, wherein each of said icons (profiles) is a unique icon (**Each of the profiles*

*is unique and has a different number assigned to it, **Figures 4 and 12 of Tanaka**).*

Regarding **Claim 11**, Tanaka and Iwamura disclose a method in accordance with

claim 1, further comprising:

assigning the parameters associated with a format selection to default values

(Profile 0 (format selection 0) represents default parameter settings, **Paragraph 0037 of**

Tanaka).

In regard to **Claim 12**, Tanaka and Iwamura disclose a method in accordance

with claim 1, further comprising:

modifying at least one parameter of a set of parameters associated with a format

selection (The parameters under a profile can be modified and saved under a given

profile, **Figures 10-12 and Paragraphs 0009, 0033-0036, 0041-0046 of Tanaka)**.

Regarding **Claim 13**, Tanaka and Iwamura disclose a method in accordance with

claim 1, further comprising:

generating a new format selection including an associated set of parameters

(Figures 10-12 and Paragraphs 0009, 0033-0036, 0041-0046 of Tanaka).

With regard to **Claim 14**, Tanaka discloses a digital camera user interface

(Figures 9-12) comprising:

means for assigning at least one shortcut (profile 1, 2, 3 etc.), (Each of the

Profiles represent a shortcut selection, **Figures 4, 12 and Paragraphs 0009, 0033-**

0036, 0044-0046) to a unique set of operational parameters suitable for capturing a

digital image with the digital camera (Each of the profiles has it's own unique set of

parameters associated with it in the capturing of the digital image, ***Figures 4, 12 and***

Paragraphs 0009, 0033-0036, 0044-0046 and 0054-0058);

means for permitting a user to select the at least one shortcut (Looking at Figure

12, the shortcut (profile) selections are shown. Selecting the profile selection would also

select one of the icons appended to it);

means for adding a new shortcut and assigning operational parameters to said

new shortcut (New profiles/shortcuts can be created and saved. Parameters are

assigned to the respective profiles, ***Figures 4 and 9-12; Paragraphs 0009, 0033-0036,***

0044-0046 and 0054-0058); *and*

means for assigning a unique name to said new shortcut (A unique name (142 in

Figure 12 of Tanaka) is assigned to each shortcut (profile) selection, ***Figures 4 and 12;***

Paragraphs 0054-0058 of Tanaka);

wherein the set of operational parameters include settings for compression level,

height resolution and width resolution (Paragraphs 0041-0042).

However, Tanaka does not disclose that one of the parameters may include color

depth. Iwamura discloses a camera system that has color depth as one of its

parameters, ***Claim 7 of Iwamura****. It would have been obvious and well known to one of*

ordinary skill in the art at the time of the invention to incorporate color depth into the list

of parameters disclosed by Tanaka, because it is useful in determining the degree to

which the user wants color to appear in a captured image.

In regard to **Claim 16**, *Tanaka and Iwamura disclose a user interface in accordance with claim 14, wherein the at least one shortcut (profile icon) comprises at least two shortcuts (Each of the profiles listed in Figures 4 and 12 of Tanaka represent a different format selection), the set of parameters of a first shortcut including a higher resolution setting than that of the set of parameters of a second shortcut (Profile 5 has a higher resolution setting than Profile 8,* **Figure 4 of Tanaka**).

Regarding **Claim 17**, *Tanaka and Iwamura disclose a user interface in accordance with claim 14, wherein the at least one shortcut comprises at least two shortcuts (Each of the profiles listed in Figures 4 and 12 of Tanaka represent a different format selection), the set of parameters of a first shortcut including a higher compression setting than that of the set of parameters of a second shortcut (Although it is hard to tell from the Japanese image, it can be inferred from the specification of the translation to the Tanaka reference that a first format (profile) selection can have a higher compression setting than a second profile selection,* **Paragraphs 0041-0042 of Tanaka**).

In regard to **Claim 18**, *Tanaka and Iwamura disclose a user interface in accordance with claim 14, further comprising:*

means for changing at least one parameter of a set of parameters of at least one

shortcut (The parameters under a profile/shortcut can be modified and saved under a

*given profile, **Figures 10-12 and Paragraphs 0009, 0033-0036, 0041-0046 of Tanaka**).*

*With regard to **Claim 19**, Tanaka and Iwamura disclose a user interface in*

accordance with claim 14, further comprising:

means for changing the settings of the digital camera to include the set of

operational parameters (When the user loads the profile name that has a certain set of

parameters that belong to it, these are now set as the operational parameters that are

*used to capture an image, **Paragraphs 0061-0063 of Tanaka**).*

*Regarding **Claim 20**, Tanaka and Iwamura disclose a user interface in*

accordance with claim 14, wherein the means for permitting further comprises:

means for bypassing the at least one shortcut (A profile can be bypassed by not

loading it from the load profile screen in Figure 12); and

means for permitting a user to directly select camera operational parameters

(Paragraph 0037).

*In regard to **Claim 22**, Tanaka and Iwamura disclose a user interface in*

accordance with claim 14, wherein the means for assigning operational parameters to

said new shortcut comprises means for assigning default values for said operational

parameters *(Profile 0 (format selection 0) represents default parameter settings,*

Paragraph 0037 of Tanaka).

Regarding **Claim 23**, *Tanaka and Iwamura disclose a user interface in*

accordance with claim 14, further comprising means for assigning the parameters

associated with a shortcut to default values (Profile 0 (format selection 0) represents

default parameter settings, **Paragraph 0037 of Tanaka).**

With regard to **Claim 24**, *Tanaka and Iwamura disclose a user interface in*

accordance with claim 14, wherein at least one parameter of the set of parameters is

selected from the group consisting of total resolution, stereoscopic toggle, black/white –

color toggle, and black/white grayscale level. Tanaka discloses setting a parameter

selected from a group consisting of total resolution as shown in Figure 4 of Tanaka.

However, Tanaka and Iwamura do not explicitly teach or disclose that the group of

parameters consists of total resolution, stereoscopic toggle, black/white - color toggle,

and black/white grayscale level. Official notice is taken saying it would have been

obvious and well known to one of ordinary skill in the art at the time of the invention to

incorporate any one of these given parameters into the current invention, because

setting of the mentioned parameters helps the user to control exactly how the image

should be captured to fit a required need.

In regard to **Claim 25**, Tanaka discloses a digital camera user interface comprising:

logic configured to assign at least one shortcut (Each of the Profiles represent a shortcut selection, **Figures 4, 12 and Paragraphs 0009, 0033-0036, 0044-0046)**to a unique set of operational parameters suitable for capturing a digital image with the digital camera (Each of the profiles has it's own unique set of parameters associated with it in the capturing of the digital image, **Figures 4, 12 and Paragraphs 0009, 0033-0036, 0044-0046 and 0054-0058)**;

logic configured to permit a user to select the at least one shortcut (Looking at Figure 12, the shortcut (profile) selections are shown. Selecting the profile selection would also select one of the icons appended to it);

logic configured to add a new shortcut and assign operational parameters to said new shortcut (New profiles/shortcuts can be created and saved. Parameters are assigned to the respective profiles, **Figures 4 and 9-12; Paragraphs 0009, 0033-0036, 0044-0046 and 0054-0058)**; and

logic configured to assign a unique name to said new shortcut (A unique name (142 in Figure 12 of Tanaka) is assigned to each shortcut (profile) selection, **Figures 4 and 12; Paragraphs 0054-0058 of Tanaka)**;

wherein the set of operational parameters include settings for compression level, height resolution and width resolution (Paragraphs 0041-0042).

However, Tanaka does not disclose that one of the parameters may include color depth. Iwamura discloses a camera system that has color depth as one of its

parameters, **Claim 7 of Iwamura**. It would have been obvious and well known to one of ordinary skill in the art at the time of the invention to incorporate color depth into the list of parameters disclosed by Tanaka, because it is useful in determining the degree to which the user wants color to appear in a captured image.

Also, it is inherent that there is logic present in the camera to permit the user to select a list of choices (parameters) from the items (shortcuts).

Regarding **Claim 26**, Tanaka and Iwamura disclose a user interface in accordance with claim 25, wherein the operational parameters comprise resolution and compression level *(Paragraphs 0041-0042 of Tanaka)*.

In regard to **Claim 27**, Tanaka and Iwamura disclose a user interface in accordance with claim 26, wherein the at least one shortcut comprises at least two shortcuts *(Each of the profiles listed in Figures 4 and 12 of Tanaka represent a different format selection)*, the set of parameters of a first shortcut including a higher resolution setting than that of the set of parameters of a second shortcut *(Profile 5 has a higher resolution setting than Profile 8, **Figure 4 of Tanaka**)*.

With regard to **Claim 28**, Tanaka and Iwamura disclose a user interface in accordance with claim 26, wherein the at least one shortcut comprises at least two shortcuts *(Each of the profiles listed in Figures 4 and 12 of Tanaka represent a different*

format selection), the set of parameters of a first shortcut including a higher

compression setting than that of the set of parameters of a second shortcut (Although it

is hard to tell from the Japanese image, it can be inferred from the specification of the

translation to the Tanaka reference that a first format (profile) selection can have a

higher compression setting than a second profile selection, **Paragraphs 0041-0042 of**

Tanaka*).*

In regard to **Claim 29***, Tanaka and Iwamura disclose a user interface in*

accordance with claim 25, further comprising:

logic configured to change at least one parameter of a set of parameters of at

least one shortcut (The parameters under a profile/shortcut can be modified and saved

under a given profile, **Figures 10-12 and Paragraphs 0009, 0033-0036, 0041-0046 of**

Tanaka*).*

Regarding **Claim 30***, Tanaka and Iwamura disclose a user interface in*

accordance with claim 29, further comprising:

logic configured to change the settings of the digital camera to include the set of

operational parameters (When the user loads the profile name that has a certain set of

parameters that belong to it, these are now set as the operational parameters that are

used to capture an image, **Paragraphs 0061-0063 of Tanaka***).*

With regard to **Claim 31**, Tanaka and Iwamura disclose a user interface in accordance with claim 25, wherein the logic configured to permit further comprises:

logic configured to bypass the at least one shortcut (A profile can be bypassed by not loading it from the load profile screen in Figure 12); and

logic configured to permit a user to directly select camera operational parameters **(Paragraph 0037)**.

Regarding **Claim 33**, Tanaka and Iwamura disclose a user interface in accordance with claim 25, wherein the logic configured to assign operational parameters to said new shortcut comprises logic configured to assign default values for said operational parameters (Profile 0 (format selection 0) represents default parameter settings, **Paragraph 0037 of Tanaka)**.

In regard to **Claim 34**, Tanaka and Iwamura disclose a user interface in accordance with claim 25, further comprising logic configured to assign the parameters associated with a shortcut to default values (Profile 0 (format selection 0) represents default parameter settings, **Paragraph 0037 of Tanaka)**.

Regarding **Claim 35**, Tanaka and Iwamura disclose a user interface in accordance with claim 25, wherein at least one parameter of the set of parameters is selected from the group consisting of total resolution, stereoscopic toggle, black/white – color toggle, and black/white grayscale level. Tanaka discloses setting a parameter

selected from a group consisting of total resolution as shown in Figure 4 of Tanaka.

However, Tanaka and Iwamura do not explicitly teach or disclose that the group of

parameters consists of total resolution, stereoscopic toggle, black/white - color toggle,

and black/white grayscale level. Official notice is taken saying it would have been

obvious and well known to one of ordinary skill in the art at the time of the invention to

incorporate any one of these given parameters into the current invention, because

setting of the mentioned parameters helps the user to control exactly how the image

should be captured to fit a required need.

With regard to **Claim 36**, Tanaka and Iwamura disclose a method in accordance

with claim 9, wherein the unique name indicates an intended usage of the digital image

for which said retrieved a set of parameters associated with the format selection is

suitable **(Paragraph 0009 of Tanaka)**.

In regard to **Claim 37**, Tanaka and Iwamura disclose a user interface in

accordance with claim 14, wherein the unique name indicates an intended usage of a

digital image for which said unique set of operational parameters is suitable **(Paragraph

0009 of Tanaka)**.

Regarding **Claim 38**, Tanaka and Iwamura disclose a user interface in

accordance with claim 25, wherein the unique name indicates an intended usage of a

digital image for which said unique set of operational parameters are suitable

(Paragraph 0009 of Tanaka).

With regard to **Claim 39**, Tanaka and Iwamura disclose a method in accordance

with claim 9, wherein said assigning a unique name to each of the format selections

comprises:

assigning a unique name to each icon *(A unique name (142 in Figure 12 of*

*Tanaka) is assigned to each format/icon (profile) selection, **Figures 4 and 12;***

Paragraphs 0054-0058 of Tanaka).

In regard to **Claim 40**, Tanaka and Iwamura disclose a method in accordance

with claim 1, further comprising:

displaying as an alternative to said icons an option to individually select each one

of said parameters *(Figure 9 shows that individual parameters can be selected, **Figure***

9 of Tanaka).

Regarding **Claim 41**, Tanaka and Iwamura disclose a user interface in

accordance with claim 14, further comprising:

means for providing, as an alternative to said shortcuts, an option to individually

select each one of said operational parameters *(Figure 9 shows that individual*

*parameters can be selected, **Figure 9 of Tanaka)***.

*In regard to **Claim 42**, Tanaka and Iwamura disclose a user interface in*

accordance with claim 25, further comprising:

logic for providing, as an alternative to said shortcuts, an option to individually

select each one of said operational parameters (Figure 9 shows that individual

*parameters can be selected, **Figure 9 of Tanaka**).*

*Regarding **Claim 43**, Tanaka and Iwamura disclose a method in accordance with*

claim 1, wherein at least two parameters in said set of parameters are independent of

*each other **(Figure 4 of Tanaka)**.*

*With regard to **Claim 44**, Tanaka and Iwamura disclose a user interface in*

accordance with claim 14, wherein at least two parameters in said set of operational

*parameters are independent of each other **(Figure 4 of Tanaka)**.*

*In regard to **Claim 45**, Tanaka and Iwamura disclose a user interface in*

accordance with claim 25, wherein at least two parameters in said set of operational

*parameters are independent of each other **(Figure 4 of Tanaka)**.*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PRITHAM PRABHAKHER whose telephone number is

(571)270-1128. The examiner can normally be reached on M-F (7:30-5:00) Alt Friday's

Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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